



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: MAY 14, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: TXT-34092 - APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: NO RECOMMENDATION

1. Title 19.04.010 is hereby amended as follows:

19.04.010 LAND USE TABLES

**Table 2 – Land Use Table
Auto & Marine Related**

| USE | RESIDENTIAL | | | | | | | | | | | | COMMERCIAL | | | | | | INDUSTRIAL | | | |
|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|-----|------|-----|-----|-----|-----|------|-------|------------|-----|---|-----|----------|-----|------------|-----|---|--|
| Boat & Trailer Dealership (New and Used) | U | R-A | R-E | R-D | R-1 | R-CL | R-2 | R-3 | R-4 | R-5 | R-MH | R-MHP | P-R | N-S | O | C-D | C-1 | C-2 | C-PB | C-M | M | |
| | | | | | | | | | | | | | | | | | <u>S</u> | S | | C | C | |
| | Description: The use of any building or lot for the display and sale of new or used boats, jet skis or other marine vessels, along with corresponding trailers. | | | | | | | | | | | | | | | | | | | | | |
| | Conditional Use Regulations: 1. The minimum site area shall be 25,000 square feet. 2. No vehicle, boat or trailer service or repair work shall occur except within a fully enclosed structure. 3. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way. | | | | | | | | | | | | | | | | | | | | | |
| | Minimum Special Use Permit Requirements: 1. The minimum site area shall be 25,000 square feet. 2. No vehicle, boat or trailer service or repair work shall occur except within a fully enclosed structure. 3. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way. 4. <u>All sales activities and storage shall be within an enclosed structure. (C-1 Only)</u> | | | | | | | | | | | | | | | | | | | | | |
| On-site Parking Requirement: One space for each 500 square feet of enclosed gross floor area. | | | | | | | | | | | | | | | | | | | | | | |

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to amend the Boat & Trailer Dealership (New and Used) use entry in Table 2 of Title 19.04 to allow the use in the C-1 (Limited Commercial) zoning district by means of a Special Use Permit.

BACKGROUND INFORMATION

Under existing use standards the Boat & Trailer Dealership (New and Used) use is conditionally permitted in the C-M (Commercial/Industrial) and M (Industrial) zoning districts and is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit. In all cases the use must:

- be located on a site with a minimum lot area of 25,000 square feet;
- allow no repair work on-site, unless such work is performed within a fully enclosed structure; and
- ensure that any service bays are not directly facing or fronting on a public right-of-way.

An applicant may request a deviation of the these requirements via the Special Use Permit process if they can demonstrate to the satisfaction of the City Council that the use can still be performed in a manner that is harmonious and compatible with surrounding present and future land uses; that the site is physically suitable and adequate access for the use exists; and that the approval would not be inconsistent with or compromise the public health, safety, or welfare objectives of the General Plan. An operation of this nature may include a number of other commercial activities of a more intense character that may be performed as an ancillary part of a Boat & Trailer Dealership (New and Used) business. These accessory uses can include major engine repair, fiber glass spraying, and body work.

ANALYSIS

The proposed expansion of the Boat & Trailer Dealership (New and Used) use into the C-1 (Limited Commercial) zoning district is not in keeping with the intent of the C-1 (Limited Commercial) District or the SC (Service Commercial) General Plan Designation which typically underlies the district. The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services, and may be appropriate for mixed-use developments. The SC (Service Commercial) General Plan Designation allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. The activities anticipated in this district and designation are generally to be on the periphery of residential neighborhoods.

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Per the Land Use Element of the Las Vegas 2020 Master Plan, activities of a more intense commercial character such as new and used car sales, recreational vehicle and boat sales, and car body and engine repair shops are appropriate for areas with a GC (General Commercial) General Plan Designation, which generally corresponds to the C-2 (General Commercial) zoning district. The nature of these types of uses is not generally considered to be compatible with adjoining residential areas without significant transition areas.

The proposed amendment would add a Minimum Special Use Permit Requirement for the C-1 (Limited Commercial) zoning district that would require all sales activity and storage to be within an enclosed structure. This added requirement could mitigate, to an extent, some of the characteristics of more intense commercial activity such as noise, lighting spill over, and the visual impact of outdoor storage. Further, the Special Use Permit process allows additional requirements to be conditioned as a part of any approval. Additional requirements could provide for added mitigation of the more intense characteristics associated with the use. Such conditions might address specific hours of operation, limited delivery hours, restrictions on the types and intensity of repair work permitted, and added screening for loading/delivery areas. Alternatively, since the Special Use Permit process allows a waiver of the minimum requirements, the more intense characteristics of this use could be heightened in areas that are not intended to accommodate such uses such as the C-1 (Limited Commercial) District.

The added minimum requirement and the Special Use Permit process provide for possible mitigation of some of the more intense characteristics of this use; however, staff finds that the expansion of the Boat & Trailer Dealership (New and Used) use, including the associated accessory uses, into the C-1 (Limited Commercial) District is not consistent with the intent of the General Plan or the Zoning Ordinance. Therefore, staff has no recommendation regarding the advancement of this amendment.

A review of how boat sales are treated by the various valley jurisdictions is as follows:

| Jurisdiction and Code Reference | Applicable Use Title | Least Intensive Applicable Zoning District and Approval Mechanism |
|----------------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| City of Las Vegas Title 19 | Boat & Trailer Dealership (New and Used) | C-2 (General Commercial) by a Special Use Permit |
| Clark County Title 30 | Marine Sales/Rental | C-2 (General Commercial) by a Special Use Permit |
| City of Henderson Title 19 | Vehicle/Equipment Sales, Auctions and Rentals | CC (Community Commercial)* by Conditional Use Permit |
| City of North Las Vegas Title 17 | Automobile, Boat or Recreational Vehicles Sales, Service and Rental Lots | C-2 (General Commercial) by Special Use Permit |

* The closest comparable City of Las Vegas zoning district is the C-2 (General Commercial) district.

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FINDINGS

The proposed text amendment will accomplish the following:

- Allow the Boat & Trailer Dealership (New and Used) use in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- Add a Minimum Special Use Permit Requirement that when the use is to be located in a C-1 (Limited Commercial) zoning district that all sales activity and storage be located within an enclosed structure.

The following table summarizes all proposed changes:

| Code Requirements | Existing Regulations | Proposed Regulations |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Title 19.04.010 Land Use Tables – Boat & Trailer Dealership (New and Used) | <ul style="list-style-type: none"> • No allowance for the use in the C-1 district. | <ul style="list-style-type: none"> • Allows the use via a Special Use Permit in the C-1 district. • Requires all activity and storage to be within an enclosed structure when located within the C-1 district. |

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

ASSEMBLY DISTRICT

SENATE DISTRICT

NOTICES MAILED **NEWSPAPER ONLY**

APPROVALS 0

PROTESTS 0